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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Graham R. Purkins

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07/22/2010

3M INNOVATIVE PROPERTIES COMPANY

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EXAMINER

CARTAGENA, MELVIN A

ART UNIT

PAPER NUMBER

3754

NOTIFICATION DATE

DELIVERY MODE

07/22/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8-13 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,164,494 to Marelli.

Marelli shows a liquid dosing dispenser with a device for counting dispensing doses, as seen in Figs. 1, having a fixed ratchet member 11, a trigger member 5 arranged to undergo reciprocal movement for actuation of the device, a counter 16 in the form of a ring arranged to undergo a counting movement and having a first region 18 for interaction with the trigger member and a second region 19 with multiple incline sections and teeth as seen in Figs. 5 and 6, a second counting ring 21 and an aerosol container 3 with a ferrule 4 for connecting the container to the counting device.

In reference to claims 10 and 11, the trigger has to be fully depressed for the counting ring to undergo rotation and to result in the device counting the actuation, see Figs. 5 and 6.

Response to Arguments

Applicant's arguments filed May 10, 2010 have been fully considered but they are not persuasive. In response to applicant's argument that The Patent Office does not point to anything in Mareli that teaches, suggests or describes that the first region of the counter member that is engaged by the trigger during its outward stroke causing the counter member to undergo

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counting motion and a second region that is engaged by the ratchet member during the return stroke of the trigger causing the counter member to undergo further counting motion to complete said predetermined counting movement. The trigger member in the device of Mareli is arranged to undergo reciprocal movement for the actuation of the counting device by interacting with a first and second regions 18 and 19 respectively as indicated in the rejection above.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin A. Cartagena whose telephone number is (571) 272-4924. The examiner can normally be reached on M-TH (8:30AM to 7:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A. C./

Examiner, Art Unit 3754

/Kevin P. Shaver/

Supervisory Patent Examiner, Art Unit 3754